

Effective 5/10/2016

61-1-31 Determining amount of fine.

For the purpose of determining the amount of a fine imposed under this chapter, the commission or court shall consider the following factors:

- (1) the seriousness, nature, circumstances, extent, and persistence of the conduct constituting the violation;
- (2) the harm to other persons resulting either directly or indirectly from the violation;
- (3)
 - (a) the cooperation by the person in any inquiry conducted by the division concerning the violation;
 - (b) efforts by the person to prevent future occurrences of the violation; and
 - (c) efforts by the person to mitigate the harm caused by the violation, including any disgorgement or restitution made to other persons injured by the acts of the person;
- (4) the history of previous violations by the person;
- (5) the need to deter the person or other persons from committing the violation in the future;
- (6) whether the person exercised undue influence;
- (7) whether the person knew or should have known that the investor was a vulnerable adult; and
- (8) such other matters as justice may require.

Enacted by Chapter 401, 2016 General Session